

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-118085-001 DT

06/21/2011

HONORABLE JOSEPH C. WELTY

CLERK OF THE COURT
D. McGraw
Deputy

STATE OF ARIZONA

THOMAS MCDERMOTT
AARON HARDER

v.

MICHAEL JOHN JAKSCHT (001)

ROBYN GREENBERG VARCOE
JENNIFER L WILLMOTT

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY 10

Prior to commencement of today's proceeding, State's exhibits 443 and 444 are marked for identification.

State's Attorney:	Thomas McDermott
Defendant's Attorney:	Robyn Greenberg Varcoe and Jennifer L. Willmott
Defendant:	Present
Court Reporter:	Lydia Estrada-Gray

9:35 a.m. Trial to a jury continues from June 20, 2011. The jury is not present.

LET THE RECORD REFLECT that the State's case agent, Detective Jeffery Schuh, is present and seated behind State's counsel's table.

Upon request of the Defense, the Court excuses Dr. Logan from the courtroom.

Arguments are presented on the Defendant's oral motion for mistrial.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-118085-001 DT

06/21/2011

9:34 a.m. State's counsel Aaron Harder is present in the courtroom.

For the reasons set forth on the record,

IT IS ORDERED denying Defendant's oral motion for mistrial.

Discussion is held and arguments are presented with respect to Defendant's request for a limiting jury instruction.

For the reasons set forth on the record,

IT IS ORDERED denying Defendant's request for a limiting jury instruction.

Both sides announce ready.

9:54 a.m. The jury is present.

The State's case continues:

Dr. Barry Logan, having previously been sworn, resumes the stand and testifies further.

The Court receives questions from the jury; same are discussed between the Court and counsel and some of the questions are asked of the witness.

FILED: Juror Question forms (50 through 58)

The witness is excused, subject to recall.

12:01 p.m. The court stands at recess. Court remains in session.

Discussion is held regarding witness scheduling and legal issues.

The Court cautions both parties that if either party believes or seeks to input evidence into this record under Rules 404b, 608 or 609, it should be properly noticed before it is mentioned before the jury.

12:08 p.m. The court stands at recess.

1:34 p.m. Court reconvenes with the Defendant and respective counsel present. The jury is not present.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-118085-001 DT

06/21/2011

Court Reporter, Lydia Estrada-Gray, is present.

The State's case agent, Detective Jeffery Schuh, is present and seated behind State's counsel's table.

Both sides announce ready.

1:36 p.m. The jury is present.

John Hsueh is sworn and testifies.

State's exhibit 445 is marked for identification.

State's exhibits 429 and 445 are received in evidence.

State's exhibit 428 is received in evidence.

The Court receives questions from the jury; same are discussed between the Court and counsel and asked of the witness.

FILED: Juror Question forms (59 through 61)

The witness is excused.

Jon Copeland is sworn and testifies.

3:00 p.m. The jury is reminded of previous admonitions and is excused from the courtroom. Court remains in session.

Counsel for the Defense advises the Court that Mr. Broughton's report has been disclosed to the State.

Discussion is held regarding the record of today's proceedings.

3:03 p.m. The court stands at recess.

3:24 p.m. Court reconvenes with the Defendant and respective counsel present. The jury is not present.

Court Reporter, Lydia Estrada-Gray, is present.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-118085-001 DT

06/21/2011

The State's case agent, Detective Jeffery Schuh, is present and seated behind State's counsel's table.

Both sides announce ready.

3:26 p.m. The jury is present.

Jon Copeland resumes the stand and testifies further.

The Court receives questions from the jury; same are discussed between the Court and counsel and are asked of the witness.

FILED: Juror Question forms (62 through 65)

The witness is excused.

John Musselman is sworn and testifies.

The Court re-reads the admonishment.

4:42 p.m. The jury is excused from the courtroom until 10:30 a.m. on July 5, 2011. Court remains in session.

Discussion is held regarding procedural and scheduling issues.

IT IS ORDERED that the parties submit any additional jury instructions to the Court **by close of business on June 28, 2011.**

IT IS FURTHER ORDERED that the State shall e-mail the Defense **by close of business on June 28, 2011**, with the names of the witnesses remaining to testify in this matter and with the names of those expected to testify on July 5, 2011.

4:48 p.m. The court stands at recess until **July 5, 2011, at 10:30 a.m.**

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.